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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

3

Application Number

10/808,048

Filing Date

March 23, 2004

First Named Inventor

Daniel J. Damon

Art Unit

3618

Examiner Name

Hau Van Phan

Attorney Docket Number

MPW 3H3A

**ENCLOSURES (Check all that apply)**☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐Power of Attorney, Revocation  
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify  
below):**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

David S. D'Ascenzo

Date

May 24, 2005

Reg. No.

39,952

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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David S. D'Ascenzo

Date

May 24, 2005

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IPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: May 24, 2005

In re Application of:

DANIEL J. DAMON

Serial No. : 10/808,048

Group Art Unit: 3618

Filed : March 23, 2004

Examiner: Hau Van Phan

For : BATTERY RETAINER ASSEMBLY FOR  
CHILDREN'S RIDE-ON VEHICLES

**Mail Stop AMENDMENT**

Commissioner for Patents

P.O. Box 1450

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Sir:

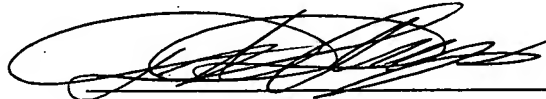
**RESPONSE TO RESTRICTION REQUIREMENT**

This is a response to the Restriction Requirement that was issued on May 6, 2005 for the above-identified patent application. Claims 1-42 are presently pending and subject to restriction/election. In the Restriction Requirement, the Examiner required Applicant to elect between the subject matter disclosed in Figs. 1-12 (Group I) and the subject matter disclosed in Figs. 13-20 (Group II). As set forth in the Restriction Requirement, the identified Groups of figures disclose patentably distinct subject matter and therefore restriction for examination purposes is appropriate. Applicant has studied the pending claims in view of the identified Groups, and hereby elects Group II. Applicant submits that each of claims 1-42 reads on the elected Group.

Applicant thanks the Examiner for his prior attempt to resolve this matter with a telephone interview. Should the Examiner believe a telephone interview would be helpful to resolve any questions or issues during examination of the pending claims, the Examiner is invited to contact Applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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